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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|-----------------------|
| 10/017,027 | 12/14/2001 | Toshiaki Iizuka | B422-178 | 5437 |
| 26272 | 7590 | 10/17/2008 | EXAMINER | |
| COWAN LIEBOWITZ & LATMAN P.C. | | | | OUELLETTE, JONATHAN P |
| JOHN J TORRENTE | | ART UNIT | | PAPER NUMBER |
| 1133 AVE OF THE AMERICAS | | 3629 | | |
| NEW YORK, NY 10036 | | MAIL DATE | | DELIVERY MODE |
| | | 10/17/2008 | | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/017,027 | IIZUKA, TOSHIAKI | |
| | Examiner | Art Unit | |
| | Jonathan Ouellette | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 June 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 16, 17, 22, 24 and 26-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 16-17, 22, 24, and 26-31 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. Claims 1-15, 18-21, 23, and 25 have been cancelled; therefore, Claims 16-17, 22, 24, and 26-31 are currently pending in application 10/017,027.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 16-17, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 6,317,878 B1).**
4. As per new **independent Claims 16, 22, and 24**, Aikens discloses a client terminal (control method, record medium) in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus, the terminal comprising: a setting unit, which sets for each the plurality of functions an enabled-state flag indicating that the function is usable or disabled-state flag indicating that the function is unusable (Fig.2), wherein the function with the enabled-state flag is to be subjected to charging; a payment unit, which executes, every first predetermined period payment processing of a price of the

function with the enabled-state flag set by said setting unit (C5-C6); a time count unit, which counts a period in which the function with the enabled-state flag, remains unused (C6); a prohibition request unit, which automatically requests the server apparatus to prohibit use of the function which remains unused if the period counted by said time count unit exceeds a second predetermined period and a changing unit, which changes the enabled-state flag of the function which remains unused to the disabled-state flag in response to a response from the server apparatus to the request by said prohibition request unit (C5-C6), an icon display unit, which displays icons respectively corresponding to the plurality of functions such that each icon distinguishably shows whether the corresponding function is usable or unusable, in accordance with the enabled-state flag or the disabled-state flag set by said setting unit (Fig. 7, C7); and a permission request unit, which, in response to a user instruction, requests the server apparatus to permit use of the function with the flag changed from the enabled-state flag to the disabled-state flag by said changing unit, wherein if said changing unit changes the enabled-state flag of the function which remains unused to the disabled-state flag, said icon display unit changes a display status of the icon for the function, and wherein said changing unit changes the disabled-state flag of the function which remains unused to the enabled-state flag in response to a response from the server apparatus to request by said permission request unit (C5-C10), and said payment unit executed the payment processing of the predetermined price of that function (C6, Fee Payment).

5. As per Claim 17, Aikens discloses wherein the function is at least one of a scan function, print function, a copy function and a facsimile transmission function (C3).

6. As per new Claims 26, 28, and 30, Aikens discloses wherein the second predetermined period is determined in correspondence with the first predetermined period (C6).
7. As per new Claims 27, 29, and 31, Aikens discloses wherein the predetermined price is determined for each function and must be paid for usage of the function (C6, Fee Payment).

Response to Arguments

8. Applicant's arguments filed on 6/12/2008, with respect to Claims 16-17, 22, 24, and 26-31, have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

October 17, 2008

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629